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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,556	07/17/2003	Dan Mark Marom	6	1333
7590	07/27/2004		EXAMINER	
John A. Caccuro 9 Ladwood Drive Holmdel, NJ 07733			SPECTOR, DAVID N	
			ART UNIT	PAPER NUMBER
			2873	

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/621,556	MAROM, DAN MARK	
	<b>Examiner</b>	<b>Art Unit</b>	
	David N. Spector	2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 17 July 2003.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-10 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 8,9 is/are allowed.  
 6) Claim(s) 1-7 and 10 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 17 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: DETAILED ACTION.

**DETAILED ACTION*****Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-7 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(a) Independent claim 1 recites the limitations "contiguous pairs of the plurality of lenses" (Claim 1, Line 10) and "destination lens of the contiguous pair" (Claim 1, Line 12). There is insufficient antecedent basis for these limitations in independent claim 1 (e.g. *there is no basis for the existence of a contiguous relationship, or any other spatial relationships (e.g. as in a linear array), between any of the plurality of lenses, or for a "destination lens", anywhere in the claim*). Claim 1 is therefore rendered indefinite, along with claims 2-7 which depend from claim 1. Correction/clarification is required.

(b) Claim 3 recites the limitations "apparatus output beam" (Claim 3, Line 3) and "apparatus input beam" (Claim 3, Line 4). There is insufficient antecedent basis for these limitations in the claim. Correction/clarification is required.

(c) Claim 7 is rendered indefinite by the use of the ambiguous phrase "separation P between contiguous pairs (Claim 7, Line 3). From the disclosure, it appears that the intended meaning of the aforesaid phrase is 'center-to-center separation between the two individual lens elements in a contiguous pair of said elements'. In addition, claim 7 recites the limitation "crosstalk requirements" (Claim 7, Line 6) without sufficient antecedent basis therein. Correction/clarification is required.

(d) Independent claim 10 recites the limitation "contiguous pairs of the plurality of the plurality of output optical waveguides" (Claim 1, Line 10). There is insufficient antecedent basis for these limitations in independent claim 10 (e.g. *there is no basis for the existence of a contiguous relationship between any of the plurality of output optical waveguides in the claim*). Correction/clarification is required.

***Allowable Subject Matter***

3. Claims 8 and 9 are allowable. The following is a statement of reasons for the indication of allowable subject matter: independent claim 8 recites a novel arrangement of lenses (Claim 8, Lines 13-22) to controls the optical coupling attenuation of an input optical beam to one of a plurality of output optical facilities.

***Other Remarks/Information***

4. The drawings filed on 07/17/2003 appear to be informal. In order to avoid abandonment of this application, NEW FORMAL DRAWINGS ARE REQUIRED IN REPLY TO THE OFFICE ACTION. This requirement will not be held in abeyance

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David N. Spector whose telephone number is (571) 272-2338. The examiner can normally be reached at this number Monday through Friday between 6:00 AM and 2:30 PM. The fax number for the organization where this application is assigned is (703) 872-9306.

July 26, 2004



DAVID N. SPECTOR  
PRIMARY EXAMINER